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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,653	09/17/2003	Hideki Kanie	A-9923	3807

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

REESE, DAVID C

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,653

Applicant(s)

KANIE, HIDEKI

Examiner

David C. Reese

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/17/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

[1] Claims 1-13 are pending.

Claim Objections

[2] Claim 1 recites the limitations "the absence," "the axis," "the other," and "the direction" in the instant claim. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitations "the length," "the distance," and "the centerline," in the instant claim and dependent one therefrom. There is insufficient antecedent basis for these limitations in the claim.

Claim 4 recites the limitation "the curvature" in the instant claim. There is insufficient antecedent basis for this limitation in the claim and dependent one therefrom.

Claim 5 recites the limitation "the curvature" in the instant claim. There is insufficient antecedent basis for this limitation in the claim and dependent one therefrom.

Claim 6 recites the limitation "the axis," in the instant claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the circumference" in the instant claim. There is insufficient antecedent basis for this limitation in the claim and dependent one therefrom.

Claim 9 recites the limitation "the curvature" in the instant claim. There is insufficient antecedent basis for this limitation in the claim and dependent one therefrom.

Claim Rejections - 35 USC § 102

[3] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

[4] Claims 1-13 are rejected under 35 U.S.C. 102(b) as clearly anticipated by Geiger, US-6,240,602, because the invention was patented or described in a printed publication in this or a foreign country, or in public use or on sale in this country more than one (1) year prior to the application for patent in the United States.

The shape and appearance of Geiger is identical in all material respects to that of the claimed design, *Hupp v. Siroflex of America Inc.*, 122 F.3d 1456, 43 USPQ2d 1887 (Fed. Cir. 1997).

As for Claim 1, Geiger teaches (Fig. 15) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), wherein the device (14) has only a single pawl (70), and, in the absence of a stud (31) in the bore (28'), the pawl (70) extends from an inner wall (71) of the bore (28') in a direction substantially perpendicular to the axis of the bore (28'), wherein the pawl (70) has a flexible thin section (72) connected to the inner wall (71) and a thick section (70) extending from the thin section (72), wherein the pawl (70) can be bent in opposite directions at the thin section (72) for mounting the device (14) on a

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stud (30) from two directions, wherein a pair of thread engaging sections (73) are formed at an end of the thick section (70), one or the other engaging section (73) being disposed for entering a space between crests of threads (31) of a stud (30) depending on the direction of insertion of the stud (30) in the bore (28').

Re: Claim 2, wherein a pair of grooves (between 73) are formed adjacent to corresponding engaging section of the pawl (73), each groove (between 73) being disposed for receiving a crest of a thread (31) adjacent to the space between crests.

Re: Claim 3, wherein the length of the thick section (70) of the pawl (70) is substantially greater than the distance between the inner wall (71) and a stud (30) inserted in the bore (28'), and wherein after insertion of a stud (30) in the bore (28'), the pawl (70) forms an angle substantially less than 90° from the centerline of the pawl before insertion of a stud.

Re: Claim 4, wherein a tip of each engaging section (73) is arcuate so as to conform to the curvature of the threads (31).

Re: Claim 5, wherein each groove (between 73) is arcuate so as to conform to the curvature of the threads (31).

As for Claim 6, Geiger teaches (Fig. 15) of a device (14) to be attached to a threaded stud (30), comprising a body having a bore (28') for insertion of a stud (30), and having only a single pawl (70) in the bore (28'), wherein the pawl (70) is connected by a hinge (72) to a first inner wall (72) of the bore (28'), wherein the pawl (70) has a centerline extending in a first direction substantially perpendicular to the axis of the bore (28') before insertion of a stud (30) in the bore (28') and forming an angle of substantially less than 90° with respect to the first direction after insertion of the stud (30) in the bore (28'), and wherein the pawl (70) has a thread engaging

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section (73) that enters a space between successive crests of threads (31) of a stud (30) and has an adjacent groove (between 73) that receives one of the crests of the thread (31), and wherein a second inner wall (inside 22) of the bore (28') is constructed to minimize lateral movement of the stud (30) in the first direction, and in a direction orthogonal to the first direction.

Re: Claim 7, wherein the second inner wall (inside 22) of the bore (28') is dimensioned to closely surround a major portion of the circumference of the stud (30).

Re: Claim 8, wherein the engaging section (73) and the groove (between 73) are formed on a section of the pawl (70) substantially thicker than a section of the pawl (70) forming the hinge (72).

Re: Claim 9, wherein there are a pair of the engaging sections (73) and a pair of the grooves (between 73) at opposite sides of the thicker section of the pawl (70), whereby an engaging section (73) and a groove (between 73) can engage threads (31) of the stud (30) irrespective of the direction of insertion of a stud (30) into the bore (28').

Re: Claim 10, wherein tips of the engaging sections (73) and the grooves (between 73) are arcuate to conform to the curvature of the threads (31) of the stud (30).

Re: Claim 11, wherein a stud (30) is disposed in the bore (28').

Re: Claim 12, wherein the body includes a component mounting section for holding a component (Fig. 14).

Re: Claim 13, wherein the body includes a component mounting section for holding a component (Fig. 14).

Conclusion

[5] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited further to show the state of the art with respect to this particular type of fastener; as well as their extreme relevance to the current application as many read extensively onto the claimed invention: please see submitted notice of reference cited.

[6] Any inquiry concerning this communication or earlier communications from the examiner should be directed to David C. Reese whose telephone number is (571) 272-7082. The examiner can normally be reached on 7:30 am-6:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J.J. Swann can be reached at (571) 272-7075. The fax number for the organization where this application or proceeding is assigned is the following: (571) 273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Reese
Assistant Examiner
Art Unit 3677

DCR



3/9/06



ROBERT J. SANDY
PRIMARY EXAMINER